



Office of the Mayor and Council  
City of College Park  
8400 Baltimore Avenue, Suite 375  
College Park, Maryland 20740  
Telephone: (240) 487-3501

**NOTICE OF FINAL DECISION  
of the  
MAYOR AND COUNCIL  
of the  
CITY OF COLLEGE PARK**

RE: **Case No. CPV-2020-04** **Name: Keith Busiere**

**Address: 9621 52<sup>nd</sup> Avenue, College Park, MD 20740**

Enclosed herewith is a copy of the Resolution setting forth the action taken by the Mayor and Council of the City of College Park in this case on the following date:

**July 14, 2020**

**CERTIFICATE OF SERVICE**

This is to certify that on **July 16, 2020** the attached Resolution was mailed, postage prepaid, to all persons of record.

**NOTICE**

Any person of record may appeal the Mayor and Council decision within thirty (30) days to the Circuit Court of Prince George's County, 14735 Main Street, Upper Marlboro, MD 20772. Contact the Circuit Court for information on the appeal process at (301) 952-3655.

Janeen S. Miller, CMC  
City Clerk

Copies to: Advisory Planning Commission  
City Attorney  
Applicant  
Parties of Record

PG Co. DER, Permits & Review Section  
M-NCPPC, Development Review Division  
City Public Services Department

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK  
ADOPTING THE RECOMMENDATION OF THE ADVISORY PLANNING  
COMMISSION REGARDING VARIANCE APPLICATION NUMBER CPV-2020-04,  
9621 52<sup>nd</sup> AVENUE, COLLEGE PARK, MARYLAND, RECOMMENDING APPROVAL OF  
A VARIANCE FROM THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE  
SEC. 27-442(E), TABLE IV, WHICH SPECIFIES A MINIMUM FRONT YARD SETBACK  
OF 25-FEET IN THE R-55 ZONE, TO CONSTRUCT A ROOF OVER A FRONT PORCH.**

**WHEREAS,** the City of College Park ("City") has, pursuant to §190-1 *et seq.* of the Code of the City of College Park ("City Code"), and in accordance with Sec. 27-924 of the Prince George's County Zoning Ordinance (hereinafter, "Zoning Ordinance"), enacted procedural regulations governing any or all of the following: departures from design and landscaping standards, parking and loading standards, sign design standards, and variances for lot coverage, setback, and similar requirements for land within the corporate boundaries of the City, alternative compliance from landscaping requirements, certification, revocation, and revision of nonconforming uses, and minor changes to approved special exceptions; and

**WHEREAS,** the City is authorized by § 190-1 *et seq.* to grant an application for a variance where, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of the specific parcel of property, the strict application of the Zoning Ordinance would result in peculiar and unusual practical difficulties or an exceptional or undue hardship upon the owner of the property, and a variance can be granted without substantial impairment of the intent, purpose and integrity of the General Plan or Master Plan; and

**WHEREAS,** the Advisory Planning Commission ("APC") is authorized by §190-3 of the City Code to hear requests for variances from the terms of the Zoning Ordinance with respect to lot size, setback, and similar requirements including variances from Sec. 27-442 (e) Table IV of the Zoning Ordinance, and to make recommendations to the City Council in connection therewith; and

**WHEREAS,** Sec. 27-442 (e) Table IV of the Zoning Ordinance specifies a minimum front yard setback of 25-feet in the R-55 zone; and

**WHEREAS,** on May 12, 2020, Keith Busiere ("Applicant"), a contract purchaser, submitted an application for a 6-foot front yard setback variance in order to construct a roof over an existing porch (6'6" x 20') at 9621 52<sup>nd</sup> Avenue, College Park ("Property"); and

**WHEREAS,** on June 4, 2020, the APC conducted a hearing on the merits of the variance at which the APC heard testimony and accepted evidence including the staff report, exhibits, and the staff presentation with respect to whether the subject application meets the standards for granting a variance set forth in §190-4 of the City Code

**WHEREAS,** based upon the evidence and testimony presented, the APC voted 5-0-0 to recommend the approval of the variance; and

**WHEREAS,** the Mayor and Council are authorized by §190-6 of the City Code to accept, deny or modify the recommendation of the APC or return the variance application to the Commission to take further testimony or reconsider its recommendation with respect to variance requests; and

**WHEREAS,** the Mayor and Council have reviewed the recommendation of the APC as to the application for a variance and in particular have reviewed the APC's findings of fact and conclusions of law; and

**WHEREAS,** no exceptions have been filed.

**NOW THEREFORE,** the Mayor and Council are in agreement with and hereby adopt the findings of fact and conclusions of law of the APC with regard to CPV-2020-04 to approve a 6-foot front yard setback variance.

**Section 1 Findings of Fact**

- 1.1 The property has an area of 8,417 square feet and is improved with a 1-story, frame house.
- 1.2 The property is an odd-shaped corner lot with a general depth of 125 feet and a general width exceeding 55-feet. Hollywood Road adjoining the property is an unimproved right-of-way.
- 1.3 The subject house was constructed in 1954 and purchased by the Applicant on May 16, 2019.
- 1.4 The house is set back 26 feet from the front property line with a 6'-6" x 20' uncovered front porch, part of the original construction, that extends into the front yard setback. The rear yard setback is 74.7-feet.
- 1.5 The side setbacks comply being 26.4' from unimproved Hollywood Road and 23.7' from the northern side property line.
- 1.6 The house contains a basement that is only accessible from an exterior door located on the side of the house near the front.
- 1.7 Basements are not common in this neighborhood.
- 1.8 The basement is utilized by the current homeowners as a laundry.
- 1.9 The planned porch roof will help to protect the home's residents and visitors from hazardous conditions that might occur during inclement weather when entering or exiting the house or using the basement outdoor entrance.
- 1.10 The property and immediate neighborhood are zoned R-55.
- 1.11 Eight of the adjacent ten properties have covered front porches.



**Section 2      Conclusions of Law**

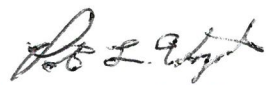
- 2.1     The unique circumstance for this Property is the fact that the basement is only accessible from the outside. The residents are forced to take laundry to and from the basement in all weathers, and the front porch has no roof to protect them from resulting hazardous conditions. Rainwater or melting snow/ice can make navigating the front porch to enter/exit the house or the basement difficult during inclement weather.
- 2.2     The strict application of the County Zoning Ordinance results in peculiar and unusual practical difficulties for the Applicant by preventing the construction of a roof over a long-existing front porch even though it would provide safety and protection from inclement weather for persons entering and exiting the house and the basement.
- 2.3     Granting the 6-foot front yard setback variance will not substantially impair the intent, purpose, and integrity of any applicable plans because the front porch itself is already existing. Once the roof is completed, the front porch will harmoniously blend in with the surrounding neighborhood. Covered porches are common features of many of the houses surrounding the property (8 out of 10 properties have covered front steps or porches).

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the City of College Park to approve CPV-2020-04 for a 6-foot front yard setback variance to allow the construction of a roof over the front porch.

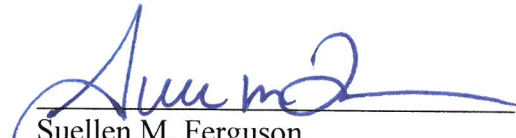
**ADOPTED**, by the Mayor and Council of the City of College Park at a regular meeting on the 14<sup>th</sup> day of July, 2020.

CITY OF COLLEGE PARK

  
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Janeen S. Miller, CMC  
City Clerk

  
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Patrick L. Wojahn, Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

  
\_\_\_\_\_  
Suellen M. Ferguson  
City Attorney